

## **REMARKS**

### **Amendments to the Claims**

The specification on page 5, lines 15-16, incorporated by reference 21 CFR § 558, for the list of allowable antibiotic supplements. The material inserted on page 5, line 17, is material explicitly incorporated by reference, and thus, is not new matter.

### **Amendments to the Claims**

A new claim is added to name specific antibiotics listed on page 8, lines 20-27.

### **The First Section 112, First Paragraph, Rejection**

The Office Action alleges that applicants do not teach the addition of crude protein in the animal feed composition. Applicants respectfully disagree. In the Example, applicants teach on page 8, lines 12-16, that the “second group [of chickens] is fed the normal diet, with no antibiotics, and with some of the fat in the diet replaced with coconut oil, so that **lauric acid** would comprise about 3% by weight of the diet. ... coconut oil contains about 50% lauric acid.” (Emphasis added.) The normal diet is defined earlier in the example as being a diet of three stages, e.g., starter diet, growth diet, and finishing diet. See page 7, lines 25-27. The starter diet contains about “26% **crude protein** and 6% fat.” (Emphasis added.) See page 7, lines 27-28. The growth diet is adjusted “to decrease the protein content to about 20% and to increase the fat content to about 7%.” See page 7, line 28 to page 8, line 2. The finishing diet is the same as the growth diet. See page 8, lines 2-5. Thus applicants clearly teach and even exemplify a specific embodiment of a composition of the invention to which crude protein is added.

### **The Second and Third Section 112, First Paragraph, Rejection**

Both the second and third rejections under this section are for the use of the term “antibiotic.” The Office Action appears to require that the use of only specifically named antibiotics be claimed. Applicants respectfully disagree with this requirement. One of ordinary skill in the art can readily determine the type of antibiotics useful in animal feeds without undue experimentation. Additionally, the specification teaches that 21 CFR § 558 lists allowable antibiotic supplements to animal feed. See page 5, lines 8-16. 21 CFR § 558 is explicitly

incorporated by reference into the specification, and thus, the list of antibiotics therein is part of the description of the specification. See page 5, lines 15-16.

All one of ordinary skill in the art has to do to determine what type of antibiotics are used in animal feeds is to look up the cited regulation. This amount of effort is not undue experimentation. Nevertheless, to make things easier, applicants explicitly insert the list of antibiotics listed in the regulation. This list was found on [http://www.access.gpo.gov/nara/cfr/waisidx\\_02/21cfr558\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/21cfr558_02.html) Further materials/details are found at that site.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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